

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Charleston**

**DAVID TIMOTHY CRUM d/b/a
NATIONAL MINE SUPPLY,**

Plaintiff,

v.

CIVIL ACTION NO.: 2:14-24861

**CANOPIUS US INSURANCE INC.
f/k/a OMEGA US INSURANCE INC.,**

Defendant.

NOTICE OF REMOVAL

1. The Defendant, Canopus US Insurance Inc. f/k/a Omega US Insurance Inc. (hereinafter “Canopus”), seeks to remove this civil action from state court to federal court. The above-entitled action was commenced in the Circuit Court of Logan County, West Virginia on or about July 24, 2014. The Complaint, which was duly filed in the Office of the Clerk of said Court, was accepted by the Secretary of State on behalf of the Defendant on July 29, 2014. A copy of the Docket Sheet, Summons, and Complaint are attached hereto.

2. The Plaintiff seeks insurance proceeds following an alleged theft loss of personal property.

3. Upon information and belief, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) as the Plaintiff alleges that “[t]he [stolen] items were valued approximately \$80,000.”

4. The United States District Court for the Southern District Court of West Virginia has diversity jurisdiction by reason of 28 U.S.C. § 1332(a)(1), inasmuch as the Plaintiff is a resident of the State of West Virginia and the Defendant is a foreign corporation. The action is

removable by reason of 28 U.S.C. § 1441, inasmuch as the party Defendant is not a citizen of the State in which the action was brought.

5. This Notice is filed within thirty (30) days after the Defendant was served with and received copies of the summons, legal notice and the Complaint.

6. Attached hereto is the Answer of Canopius and Counterclaim for Declaratory Relief.

WHEREFORE, the Defendant respectfully requests that the aforesaid civil action be removed from the Circuit Court of Logan County, West Virginia to the United States District Court for the Southern District of West Virginia, and that said State Court proceed no further with said action.

CANOPIUS US INSURANCE INC.

By Counsel

s/Michelle Piziak Gaston

Michelle Piziak Gaston, Esq. (WVSB #7494)

P. O. Box 1588

Charleston, WV 25326-1588

Telephone: 304-353-8000

Telecopier: 304-353-8180 Email: michelle.gaston@steptoe-johnson.com

STEPTOE & JOHNSON PLLC
Of Counsel

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Charleston**

**DAVID TIMOTHY CRUM d/b/a
NATIONAL MINE SUPPLY,**

Plaintiff,

v.

CIVIL ACTION NO.: 2:14-24861

**CANOPIUS US INSURANCE INC..
f/k/a OMEGA US INSURANCE INC.,**

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August, 2014, I electronically filed the "Notice of Removal" with the Clerk of the Court using the CM/ECF system. A hard copy has been mailed to the pro se party listed below:

David Timothy Crum
307 Riverview Ave.
Logan, WV 25601
Pro se

s/Michelle Piziak Gaston, Esq.
Michelle Piziak Gaston, Esq. WVSB #7494
Counsel for Canopus US Insurance Inc.
STEPTOE & JOHNSON PLLC
P. O. Box 1588
Charleston, WV 25326-1588
Telephone: 304-353-8000
Telecopier: 304-353-8180
Email: michelle.gaston@steptoe-johnson.com